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May 30, 2023

Mr. Michael S. Regan, Administrator  
U.S. Environmental Protection Agency  
EPA Docket Center, OLEM Docket, Mail Code 28221T  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

**RE: Docket ID No. EPA-HQ-OW-2022-0114**  
**National Primary Drinking Water Regulation Rulemaking PFAS MCL**

Dear Administrator Regan,

The Massachusetts Coalition for Water Resources Stewardship (MCWRS) is a non-profit organization representing the interests of municipalities, districts and commissions in the world of wastewater, stormwater and drinking water. Members include municipal, district and commission wastewater, stormwater and drinking water utilities, engineering consultants, legal firms and stormwater coalitions. MCWRS offers the following comments on EPA's draft Maximum Contaminant Levels (MCLs) for various polyfluoroalkyl substances (PFAS) in drinking water.

MCWRS understands there is tremendous pressure on EPA from advocacy groups, the media and politicians to set a very low MCL for certain PFAS compounds. While it is agreed that PFOA and PFOS need to be regulated in drinking water through an MCL, the proposed limits are far too extreme, not supported by science, too costly, reactionary and fraught with unintended consequences that may lead to greater threats to drinking water quality and public health than are posed by the contaminants being regulated. MCWRS urges EPA to reconsider this approach, gather critical additional data, wait for the results of the upcoming UCMR 5 to be obtained and analyzed and delay any action on a final MCL until all of the needed information has been reviewed and many questions answered. PFOA and PFOS in drinking water is not an emergency. It is a 70-year old problem that was only recently brought to light as a result of improved laboratory detection levels. Our ability to detect contaminants far exceeds our ability to understand what minute levels of these contaminants in drinking water may mean. We cannot afford, both financially and from a societal perspective, to regulate drinking water based on irrational fears, irresponsible media and the hyper-political world where we currently find ourselves.

More specific comments are as follows:

1. EPA's cost estimate for nationwide compliance with the proposed MCLs is significantly lower than estimates prepared by experts in the water profession. EPA's costs analysis suggests annualized compliance costs of up to \$1.3 billion based on up to 6,300 water systems exceeding one or more of the proposed MCLs. The American Water Works Association (AWWA) had a cost estimate prepared by an engineering consulting firm experienced in the design of water treatment facilities. The AWWA estimate landed at \$40-\$55 billion for total compliance costs and annualized costs of \$3.8 billion to \$5.2 billion. Here in Massachusetts, the most recent Intended Use Plan for the State Revolving Fund found the state financing 24 PFAS drinking water treatment projects for a total of \$209 million, or \$8.7 million per project. The AWWA analysis and the Massachusetts SRF data suggest EPA's estimated costs are well below the mark. If the costs are underestimated then the cost benefit analysis would also be skewed and the federal funding through the Bipartisan Infrastructure Law (BIL), which is touted as the solution to the cost impact for PFAS compliance, will also be inadequate. Water ratepayers will carry the burden of funding PFAS MCL compliance unless federal grants are increased to cover the costs.
2. EPA's estimate of impacted water systems falls at up to 6,300 with most being systems serving less than 10,000 people. This represents less than 10% of the 66,000 water systems subject to the proposed MCL rule. This appears to be extremely low given recent Massachusetts data based on a few years of PFAS monitoring. Massachusetts Department of Environmental Protection (MassDEP) reports that 29% of community and NTNC water systems will have to abandon sources, find new sources, connect with other systems or install treatment facilities to meet the proposed MCLs. This MassDEP figure likely underestimates the true number of water systems impacted in Massachusetts as it does not consider those systems that may see variable levels of PFOA and PFOS that could trigger an MCL violation in future testing rounds. Massachusetts is seeing PFAS in communities of all sizes and land use histories, from urban to rural areas, groundwater and surface water systems, towns with airports and military bases and those far removed from either. There is nothing unique about Massachusetts when it comes to PFAS in water supplies and no reason to believe that nationally only 9.5% of water systems will be impacted by the proposed MCL while Massachusetts will see nearly 30%.
3. If EPA moves forward to implement the proposed MCLs then it is imperative that all capital and operational compliance costs be borne by the federal government. If the federal government cannot or will not provide full funding to public water systems then compliance with the MCL should not be mandated.
4. The public health benefits of the proposed MCL cannot be determined if there is no full understanding of PFAS exposure levels from various sources. It is well documented that PFAS is present, often in high concentrations, in household products, personal care products, food, dust, clothing, fabric, food wrappers and a multitude of materials to which people are routinely exposed every day. EPA assumed 20% of exposure is from drinking water but this is the default value, not an estimate, and not based on any data. It is not possible to claim massive public health benefits from the proposed MCLs when there is no understanding of exposure levels from other common sources. Imagine if childhood lead poisoning had been handled in a similar fashion. If the approach to reducing lead exposure had been to just regulate drinking water then lead based paint, by far the greatest source of lead intake for children, would have been ignored and little progress would have been made addressing this very real health issue. For most Americans, PFAS intake from drinking water could be 1% or less of the total PFAS exposure. Spending \$40 billion or more to reduce PFAS exposure by 1% does not appear to be

a sound public health strategy or wise use of public monies.

5. It is unclear why EPA has not approached PFAS regulation from a relative risk perspective as is done with other drinking water contaminants and public health risks in general. For the regulation of the PFAS compounds under the proposed MCLs there appears to be a desire to have risk-free drinking water. That intent is limited due to current laboratory detection capabilities and treatment technologies. Based on the documents provided through this rule-making process one can surmise that should detection levels and treatment technology improve the MCLs would be adjusted downward. The “no-acceptable risk” perspective is not applied to other drinking water contaminants, many of which have MCLGs of zero, but have MCLs well above their respective detection levels. Acceptable risk levels are present in all aspects of society otherwise there would be speed limits of 5 MPH, no playing of sports and no gathering of crowds. That PFAS in drinking water must somehow be risk free does not speak of science or enlightened thinking but of fear mongering and environmental advocacy gone haywire.
6. The proposed MCLs raise the specter of serious unintended consequences that could pose public health risks for water consumers. Some of these are:
  - a. Diversion of local finances to PFAS treatment/remediation and reduced spending on critical water system needs such as pipe replacement, sources protection, staffing and water system maintenance. The outcome could be drinking water that fails to comply with multiple other MCLs and risk of water borne disease or health impacts.
  - b. Current shortages in certified drinking water operators will be worsened as thousands of new PFAS treatment plants may require treatment operators. Current operators may be enticed to relocate to run these new facilities if the system is in a community with the ability to pay higher salaries. Systems losing these operators are more likely to be in less wealthy communities with significant Environmental Justice populations who may then be harmed by a lack of experienced water operators.
  - c. With the expectation that water systems exceeding the proposed MCLs will come into compliance (i.e., construct and operate treatment facilities or find new sources) within two years, there will be a significant issue obtaining equipment for these new facilities. EPA’s own low estimate of some 6,000 water systems exceeding the MCLs and designing, bidding and building new treatment facilities all at the same time will create a massive supply chain log-jam. Achieving a two year compliance schedule is not realistic and it will bring any progress on treatment to a quick halt.
  - d. As most water systems opt for GAC as the treatment of choice for PFAS, having thousands of new systems demanding GAC and GAC regeneration services will likely put a strain on suppliers and GAC services. The ability of the GAC industry to meet this new demand must be closely assessed before an MCL is finalized. Failure to do so will not only create higher costs for GAC but also jeopardize its availability for existing facilities that depend on this material for current public health protection.
  - e. Nationwide laboratory capacity to support PFAS testing under the MCL while also providing testing under UCMR must also be scrutinized. With MCLs at the detection level the implications of overstressed laboratories making errors as they try to keep up with the demand cannot be overstated. There is no room for lab error but laboratories are being set up to fail if they are overburdened.

7. Alternative Approach-While MCWRS does not agree with the proposed MCLs, an alternative implementation plan is offered regardless of what the final MCLs may be. That plan would include:
- a. Delay implementation until UCMR5 (already underway) is completed and the nationwide data analyzed. This would allow EPA to gain a better understanding of PFAS occurrence and levels in drinking water and is frankly the purpose of the UCMR program. Putting the MCLs in play prior to UCMR5 being completed defeats the purpose of having a UCMR program.
  - b. While UCMR 5 is being completed, work with other federal agencies to gather data on other PFAS exposure sources. This would allow critical information to be gathered in support of real public health protection.
  - c. Break the UCMR 5 results into quartiles and target the highest quartile (top 25% of results) for PFAS remediation, using federal monies, during the first 5 years. Federal dollars would thus be applied to the water systems with the highest PFAS levels and assumed highest health risk. The second highest quartile would be targeted for remediation in years 6-10, the third highest in years 11-15 and the lowest in years 16-20. Federal grant funding would be applied to all so if the funding runs out at least the systems with the highest levels would be addressed earliest and those that may go unaddressed would have the lowest concentrations.
  - d. The quartiles could be established based on UCMR5 results but mandatory testing could be required for all other (non-UCMR) water systems with their respective results used to place them within the appropriate quartile.
  - e. This approach relieves some of the burden imposed by having 6,000 or more water systems trying to simultaneously come into compliance. It may also lessen impacts on equipment and material suppliers. Stretching the compliance period based on detected levels of PFAS also provides more time to develop new treatment technology, to further research health impacts and to make significant inroads in source reduction, which is the true key to address PFAS presence in all environmental media.

MCWRS believes that EPA is selecting a risky and potentially dangerous approach in regulating certain PFAS with MCLs at the laboratory detection levels. The potential unintended consequences of this initiative are of great concern and must be further investigated and addressed before finalizing MCLs. Taking a measured approach to PFAS regulation in drinking water rather than a reactionary response to political, public and media pressure is in the best interests of public health protection.

Sincerely,



Philip D. Guerin  
President